

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**JAMES TAYLOR and MELISSA  
TAYLOR,**

**Plaintiffs,**

**v.**

**VELOX EXPRESS, INC.,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Civil Action No. \_\_\_\_\_**

**JURY DEMAND (12)**

**NOTICE OF REMOVAL**

Defendant Velox Express, Inc. (“Velox” or “Defendant”) hereby removes this civil action from the Circuit Court for Davidson County, Tennessee, to this Court pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. As grounds for its removal, Defendant states as follows:

1. This is a civil action in which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441 *et seq.* because complete diversity exists between Plaintiffs and Defendant and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

2. A civil action originally entitled *James Taylor and Melissa Taylor v. Velox Express, Inc.*, Case No. 20C1956, was initiated on September 4, 2020 when Plaintiffs filed their Complaint in the Circuit Court for Davidson County, Tennessee.

3. Plaintiffs are residents of Tennessee and were so at the time of filing the Complaint and at the time of the filing of this Notice of Removal. (Compl. ¶ 1).

4. For purposes of determining its citizenship under 28 U.S.C. § 1332(c)(1), Velox is a corporation organized under the laws of the State of Indiana. Its principal place of business is located in Greenwood, Indiana. (Compl. ¶ 2).

5. Accordingly, there is complete diversity between the parties. Plaintiffs are citizens of Tennessee, and Defendant is a citizen of Indiana.

6. Plaintiffs seek “an amount not to exceed \$1,100,000 (One Million One Hundred Thousand U.S. Dollars) in compensatory damages...as well as punitive damages, not to exceed an additional \$2,000,000 (Two-Million U.S. Dollars).” (Compl. at 11). Additionally, Plaintiffs claim that James Taylor “incurred over \$150,000 dollars in medical expenses” as a result of the incident alleged in the Complaint. (Compl. ¶ 41). For diversity removal, “the general rule is that the amount claimed by a plaintiff in his complaint determines the amount in controversy, unless it speaks to a legal certainty that the claim is for less than the jurisdictional amount.” *Rosen v. Chrysler Corp.*, 205 F.3d 918, 920-21 (6th Cir. 2000).

7. The Summons and the Complaint were served on Velox on September 30, 2020. Accordingly, this Notice of Removal is timely as it is filed within 30 days “after receipt by the defendant, through service or otherwise, of a copy of the initial pleading,” pursuant to 28 U.S.C. § 1446(b).

8. Pursuant to 28 U.S.C. § 1446, all parties are being provided with written notice of removal and a copy of this Notice of Removal is being filed with the Circuit Court for Davidson County, Tennessee.

9. Attached collectively to this Notice of Removal, as **Exhibit 1**, is a copy of all process, pleadings and orders, served upon Velox in this action, as required by 28 U.S.C. § 1446(a).

10. This judicial district and division of this Court embraces Davidson County, Tennessee, the place where the state court action is pending. 28 U.S.C. §§ 1441(a), 1446(a).

11. Defendant will give written notice to Plaintiffs and will file a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court for Davidson County, Tennessee, pursuant to 28 U.S.C. § 1446(d). Defendant attaches hereto a copy of the Notice of Filing of Notice of Removal as **Exhibit 2**.

Accordingly, Velox Express, Inc. gives notice that the above-styled cause of action presently pending in the Circuit Court for Davidson County, Tennessee has been removed to the United States District Court for the Middle District of Tennessee, Nashville Division.

Respectfully submitted,

/s/ Alexandra Ortiz Hadley

Joseph F. Welborn, III (#15076)

joe.welborn@butlersnow.com

Alexandra Ortiz Hadley (#36892)

alexa.hadley@butlersnow.com

Butler Snow LLP

The Pinnacle at Symphony Place

150 Third Avenue, South, Suite 1600

Nashville, Tennessee 37201

(615) 651-6700

(615) 651-6701

*Counsel for Defendant Velox Express, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon Filing Users via the electronic filing system and on other counsel via U.S. Mail, first-class postage prepaid, this October 28, 2020 on the following:

Jonathan L. Griffith  
Christopher N. Coyne  
Griffith Law, P.L.L.C.  
256 Seaboard Lane, Suite E-106  
Franklin, TN 37067

*Attorneys for Plaintiffs James Taylor  
and Melissa Taylor*

/s/ Alexandra Ortiz Hadley\_\_\_\_\_